

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

CHUONG LAM,

Petitioner,

vs.

H.L. HUFFORD,

Respondent.

CIVIL ACTION NO. 3:11-CV-1903

(JUDGE KOSIK)

FILED
SCRANTON

MAR 07 2012

MEMORANDUM AND ORDER

Per _____
DEPUTY CLERK

AND NOW, THIS 7th DAY OF MARCH, 2012, IT APPEARING TO THE
COURT THAT:

(1) Petitioner, Chuong Lam, a prisoner confined at the FCI- Schuylkill, Minersville, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on October 17, 2011;

(2) In his petition, petitioner challenges the decision of prison officials to deny him an opportunity to participate in a Residential Drug Abuse Program (RDAP);

(3) The action was assigned to Magistrate Judge Martin C. Carlson for Report and Recommendation;

(4) On February 13, 2012, the Magistrate Judge issued a Report and Recommendation (Doc. 9) wherein he recommended that the petition for writ of habeas corpus be denied;

(5) Specifically, the Magistrate Judge found that because of the broad discretion vested in the Bureau of Prisons and because the petitioner was found not to qualify for the RDAP program in that he did not have the severe drug dependency the program was designed to address and he lacked English proficiency, which was an impediment to successful completion of the program, his claims had no merit;

(6) Petitioner has failed to file timely objections to the Magistrate Judge's Report and Recommendation.

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F. 2d 874, 878 (3d Cir. 1987).

(8) We have considered the Magistrate Judge's Report and we concur with his recommendation.

(9) After reviewing the petition, we agree with the Magistrate Judge that the Petitioner's claims lack merit and the petition should be denied.

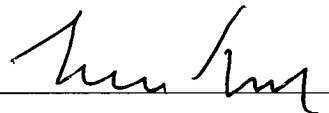
ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson dated February 13, 2012 (Doc. 9) is **ADOPTED**;

(2) The Petitioner's petition for writ of habeas corpus is **DENIED**;

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge; and,

(4) Based on the court's conclusion herein, there is no basis for the issuance of a certificate of appealability.



Edwin M. Kosik
United States District Judge